

REMARKS/ARGUMENTS

This Amendment is in response to a Final Office Action mailed April 19, 2005. Applicants file a Request for Consideration and the preliminary amendment based on informal discussion with the Examiner on or around October 12, 2005. In these discussions, it was agreed by the Examiner, albeit tentatively and not formally stated, that the subject matter of the subject application is patentably distinct from the teachings of Broberg and Stinebruner, separately and in combination.

In the informal telephone conference, an illustrative example was created to highlight the differences between the teachings of the cited references and the subject invention.

A. BROBERG

Broberg teaches the user to establish which channels will be overlapping between cable and a digital receiving system (e.g., DSS). In Broberg, channels 1-99 are initially assumed to be cable channels and channels 100-999 are assumed to be digital channels. During initialization of the VCR, it scans through channels 2-99 by controlling the cable box. Then, the VCR repeats the initialization for the digital satellite receiver through channels 100-199.

In contrast, Applicants respectfully submit that the claimed invention differs because, upon detecting an overlap condition, a first source is selected to provide programming for the overlapping channel. Otherwise, a second source is selected for providing the programming for that non-overlapping channel. In short, the particular source is selected in response to detecting an overlapping condition.

To better illustrate the differences, if the claimed invention is adapted in accordance with the illustrative channel assignment mechanism of Broberg, and DSS is selected for overlapping conditions (such as channels 100-125), the follow table (Table 1) would be the channel selection of the claimed invention:

TABLE 1

Channels	Overlapping/Non-overlapping	Source
2-99	Non-overlapping	Cable
100-125	Overlapping	DSS
126-999	Non-overlapping	Cable

In contrast, the assumed channel programming mechanism of Broberg produces the following set forth in Table 2:

TABLE 2

Channels	Overlapping/Non-overlapping	Source
2-99	Non-overlapping	Cable
100-125	Overlapping	DSS
126-999	Non-overlapping	DSS

Clearly, this highlights the differences between the claimed invention and the teachings of Broberg.

B. STRINEBRUNER

As the Examiner is further aware, Stinebruner teaches automatic substitution of local channels at corresponding virtual channels and movement of the existing channels associated with other sources to different virtual channels. So, using the following as an exemplary channel set-up, the following sources (first source "S1" and second source "S2") would be selected as set forth in Table 3:

TABLE 3

Local channel (source 1 "S1")	Non-local channel (source 2 "S2")	Overlap?	Result
2	2	Yes	2 (S1)
3	3	Yes	3 (S1)
4	4	Yes	4 (S1)
5	x	No	5 (S1)
x	6	No	6 (S2)
7	7	Yes	7 (S1)
8	x	No	8 (S1)

In contrast, the selection of the source is based on detection whether that particular channel number has a overlapping channel number as shown in Table 4.

TABLE 4

Local channel (S1)	Non-local channel (S2)	Overlap?	Result (overlap - S1; non-overlap - S2)
2	2	Yes	2 (S1)
3	3	Yes	3 (S1)
4	4	Yes	4 (S1)
5	x	No	5(S2)
x	6	No	6 (S2)
7	7	Yes	7 (S1)
8	x	No	8 (S2)

In contrast with the teachings of Stinebruner, the claimed invention is directed to programming the channel numbers to tune to a station for receiving a program provided by a selected first default source *in response to the channel number being the non-overlapping channel number*. In short, the source selected is based on whether or not the channel number is an overlapping or non-overlapping channel number. It is not based on the presence of a local channel, which would produce a different result.

The Examiner requested that the claims be sufficient to identify that the default manipulation was conducted for the plurality of channel numbers supported by the set-top box and not a single channel number. Applicants have amended the claims and respectfully submit that the claims are in condition for allowance.

The Examiner to contact the undersigned attorney if further discuss concerning the allowability of the pending claims will facilitate prosecution of the subject application. The undersigned attorney may be contacted at the phone number listed below.

Conclusion

Applicants respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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Dated: October 19, 2005

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October 19, 2005

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